

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2011.03
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	March 6, 2003
DATE OF REPORT:	April 10, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 19, 2003

COMPLAINT ISSUES:

Whether the Paoli Community School Corporation and the South Central Area Special Education Cooperative violated:

511 IAC 7-27-7(b) (1) by failing to have the student's teacher of record (TOR) monitor the implementation of the student's individualized education program (IEP).

In the course of the investigation, another complaint issue was identified, namely whether the Paoli Community School Corporation and the South Central Area Special Education Cooperative violated:

511 IAC 7-28-4(d) and (e) by failing, at the time the student attains eighteen (18) years of age and unless a guardianship has been established, to provide written notice to the parent and the student that the rights under this article have transferred to the student.

FINDINGS OF FACT:

1. The Student is eighteen years old and attends the local high school ("the School"). The Student has been determined eligible to receive special education services as a student with a mild mental disability.
2. The Complainant fails to allege a specific instance when the TOR failed to monitor the Student's IEP. The School presented letters from several of the Student's teachers that indicate what they are doing to implement the required modifications. Copies of report card grades, interim progress reports (given when the Student is failing or close to failing after three weeks of a six-week term), and student progress report checklists have been received. The School is meeting the requirement of the IEP, which stipulates that progress reports will be sent home every six weeks, and that the format used will be a report card. The TOR has maintained a schedule of checking with general education teachers every three weeks.
3. The Student turned eighteen on November 28, 2002. The School failed to provide written notice to the parent and the Student that the rights under Article 7 have transferred to the Student. The School also failed to include a statement in the Student's IEP that the Student and parent were provided with written notice of transfer of rights when the Student turned eighteen years of age and at a CCC meeting on or before the Student's seventeenth birthday.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the Teacher of Record monitored the implementation of the IEP, and that appropriate steps were taken to reach the goals and objectives outlined in the IEP. Therefore, no violation of 511 IAC 7-27-7(b)(1) is found.
2. Finding of Fact #4 indicates that the transfer of rights did not occur at the Student's age of majority. Therefore, 511 IAC 7-28-4(d) and (e) have been violated.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Paoli Community School Corporation and the South Central Area Special Education Cooperative shall:

1. provide written notice to the Complainant and the Student that all rights have transferred to the Student. This notice shall become a permanent part of the Student's record. If no notice of the transfer of rights was provided to the Complainant and the Student at the Student's seventeenth birthday, a case conference committee meeting shall be convened to discuss this matter and put it into effect. Ensure that the IEP includes this statement.
A copy of the written notice of transfer of rights shall be presented to the Division no later than May 9, 2003.
2. send a written memorandum to all appropriate school administrators and special education personnel describing the requirements of 511 IAC 7-28-4(d) and (e).
A copy of the memorandum and list of persons receiving it shall be sent to the Division no later than May 9, 2003.